

1 AN ACT in relation to mental health.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Community Mental Health Act is amended by
5 adding Sections 8.100, 8.102, 8.105, 8.110, 8.115, 8.120,
6 8.125, 8.130, 8.135, 8.140, 8.145, 8.150, 8.155, 8.160,
7 8.165, 8.170, and 8.175 as follows:

8 (405 ILCS 20/8.100 new)

9 Sec. 8.100. Purpose. It is the purpose of this Act to
10 prevent or avoid institutionalization of individuals with
11 mental illness or a co-occurring disorder of mental illness
12 and substance abuse. The Department of Human Services shall
13 implement, coordinate, monitor, and evaluate the CHOICES
14 program, as described in this Section and the following
15 Sections preceding Section 9, in cooperation with all
16 governmental and private resources, organizations, and
17 stakeholders. Programs shall address the needs of qualified
18 individuals, both children and adults. The CHOICES program
19 will provide cost effective, community residential
20 environments and supports to enable individuals with a mental
21 illness or a mental illness and substance abuse co-occurring
22 disorder to live successfully in the community.

23 (405 ILCS 20/8.102 new)

24 Sec. 8.102. Definitions. In Section 8.100 and the
25 subsequent Sections preceding Section 9 of this Act:

26 "Individual with a disability" means any of the
27 following:

- 28 (1) An individual, whether a child or an adult, who
29 has a physical or mental impairment that substantially
30 limits one or more of the individual's major life

1 activities.

2 (2) An individual, whether a child or an adult, who
3 has a record of a physical or mental impairment that
4 substantially limited one or more of the individual's
5 major life activities.

6 (3) An individual, whether a child or an adult, who
7 is regarded as having a physical or mental impairment,
8 whether the individual has the impairment or not.

9 "Mental impairment" means a mental or psychological
10 disorder or emotional or mental illness.

11 "Physical impairment" means drug addiction or alcoholism,
12 or both.

13 "Stakeholder" means an advocacy organization or service
14 provider whose mission includes advocacy for or provision of
15 quality services to individuals with a disability of mental
16 illness or a co-occurring disorder of mental illness and
17 substance abuse.

18 (405 ILCS 20/8.105 new)

19 Sec. 8.105. Implementation of program. The Department of
20 Human Services is directed to implement the CHOICES program.
21 The Department of Public Aid, the Department on Aging, the
22 Department of Children and Family Services, the Department of
23 Public Health, the Bureau of the Budget, and other State
24 agencies as appropriate shall cooperate fully with the
25 Department of Human Services in fulfilling the requirements
26 of Section 8.100 and the subsequent Sections preceding
27 Section 9.

28 (405 ILCS 20/8.110 new)

29 Sec. 8.110. Community services. In order to prevent or
30 avoid institutionalization of individuals with a disability,
31 the Department of Human Services shall implement, coordinate,
32 monitor, and evaluate community services for individuals with

1 disabilities in Illinois in cooperation with all governmental
 2 and private resources, organizations, and stakeholders.
 3 Programs shall address the needs of qualified individuals,
 4 both children and adults, with disabilities, in the following
 5 disability areas:

- 6 (1) Mental illness.
- 7 (2) Mental illness and substance abuse.

8 (405 ILCS 20/8.115 new)
 9 Sec. 8.115. Implementation; program components.

10 (a) Subject to appropriations, the Department of Human
 11 Services shall implement the CHOICES program for individuals
 12 with a mental illness or co-occurring disability of mental
 13 illness and substance abuse. The CHOICES program shall
 14 consist of a program for 1,000 individuals with a disability,
 15 designed to provide a system of services and supports for
 16 those qualified individuals with a disability to live in the
 17 most integrated community-based integrated setting. The
 18 Department shall begin implementation of the program by
 19 January 1, 2002, and shall implement the program statewide
 20 within 4 years after the effective date of this amendatory
 21 Act of the 92nd General Assembly. The Department shall
 22 adopt rules for the selection of the initial program
 23 participants.

24 (b) From existing funds and funds appropriated by the
 25 General Assembly, the Department of Human Services shall do
 26 the following:

- 27 (1) Develop a comprehensive plan to develop and
 28 maintain a statewide system of community-based services
 29 that reflect the choices and needs of individuals with
 30 mental illness or a co-occurring disorder of mental
 31 illness and substance abuse and their families in
 32 Illinois, to prevent or avoid unnecessary
 33 institutionalization.

1 (2) Carry out all functions and duties required by
 2 law through collaboration with individuals with mental
 3 illness or a co-occurring disorder of mental illness and
 4 substance abuse, their families and guardians, community
 5 organizations, and providers throughout the State.

6 (3) Facilitate or provide technical assistance to
 7 community service providers in planning, developing, and
 8 implementing services and supports for individuals with
 9 mental illness or a co-occurring disorder of mental
 10 illness and substance abuse and their families.

11 (4) Consider the needs in the field of mental
 12 illness or mental illness and substance abuse and make
 13 recommendations to the General Assembly and the Governor
 14 for changes in the law. From funds appropriated by the
 15 General Assembly to the Department of Human Services for
 16 that purpose, the Secretary of the Department of Human
 17 Services shall establish initiatives including, but not
 18 limited to, the CHOICES program as described in Section
 19 8.100 and the subsequent Sections preceding Section 9 of
 20 this Act, to prevent and correct inappropriate
 21 institutionalization to ensure that individuals needing
 22 mental health services or mental health and substance
 23 abuse services are served in the most integrated setting.

24 (c) The CHOICES program's components shall include the
 25 following:

26 (1) Policies to avoid inappropriate placement of an
 27 individual in an institution, including general acute
 28 care hospitals, hospitals with distinct parts for
 29 psychiatric care, freestanding public or private
 30 psychiatric hospitals, residential treatment facilities,
 31 and nursing facilities.

32 (2) Institutional pre-admission screening and
 33 mandated follow up.

34 (3) A cost-benefit analysis concerning placement of

1 the person in the community.

2 (405 ILCS 20/8.120 new)

3 Sec. 8.120. CHOICES program features. The CHOICES
4 program shall include the following features:

5 (1) It shall require 1,000 additional
6 community-based integrated residential settings with
7 appropriate community supports.

8 (2) It shall create programs to train institutional
9 discharge staff treating individuals with disabilities
10 training on community-based alternatives.

11 (3) It shall require a process to inform a person
12 of all available options for his or her care before that
13 person makes a decision on his or her placement.

14 (4) It shall offer, before placement, the
15 assistance of a planning specialist who will assist the
16 person in making the move from an institution to a
17 community setting.

18 (5) It shall fund outreach activities to identify
19 persons in institutions who may wish to move. The
20 Department of Human Services shall establish the
21 qualifications of persons and or organizations who
22 perform the outreach for community-based organizations
23 funded through the program. The guardian of the person,
24 if any, must be involved with the outreach process and
25 the resident.

26 (405 ILCS 20/8.125 new)

27 Sec. 8.125. Provision of services. In accordance with an
28 individual program plan or an individual treatment plan, or
29 both, based on a comprehensive evaluation, individuals with a
30 disability may be provided the services described in the
31 Sections following this Section.

1 (405 ILCS 20/8.130 new)

2 Sec. 8.130. Comprehensive evaluation and diagnosis. An
3 individual with a disability who is applying for services is
4 entitled to receive a comprehensive evaluation and diagnosis,
5 including an assessment of skills, abilities, and potential
6 for residential and work placement, adapted to his or her
7 primary language, cultural background, and ethnic origin.
8 All components of a comprehensive evaluation must be
9 administered by a qualified examiner.

10 (405 ILCS 20/8.135 new)

11 Sec. 8.135. Individual program plan. An individual with a
12 disability is entitled to receive services in accordance with
13 a current individual program plan or an individual treatment
14 plan, or both. An individual with a disability who is
15 receiving services shall be provided periodic reevaluation
16 and review of the individual program plan or individual
17 treatment plan, or both, at least twice each year, in order
18 to measure progress, to modify or change objectives if
19 necessary, and to provide guidance and remediation
20 techniques. An individual with a disability and his or her
21 representatives have the right (i) to participate in the
22 planning and decision-making process regarding the
23 individual's program plan and (ii) to be informed in writing,
24 or in that individual's mode of communication, of progress at
25 reasonable time intervals. Each individual must be given the
26 opportunity to make decisions and exercise options regarding
27 the plan, consistent with the individual's capabilities.

28 (405 ILCS 20/8.140 new)

29 Sec. 8.140. Nondiscriminatory access to services. An
30 individual with a disability may not be denied program
31 services because of age, sex, ethnic origin, marital status,
32 ability to pay (except when contrary to law), criminal

1 record, degree of disability, or illness.

2 (405 ILCS 20/8.145 new)

3 Sec. 8.145. Family or individual support. An individual
4 with a disability must be provided family or individual
5 support services, or both, to prevent unnecessary out-of-home
6 placement and to foster independent living skills.

7 (405 ILCS 20/8.150 new)

8 Sec. 8.150. Residential choices and options. An
9 individual with a disability who requires residential
10 placement in a supervised or supported setting must be
11 provided choices among various residential options. The
12 placement must be offered in the most integrated community
13 setting possible.

14 (405 ILCS 20/8.155 new)

15 Sec. 8.155. Vocational training. An individual with a
16 disability must be provided vocational training, when
17 appropriate, that contributes to the individual's
18 independence and employment potential. This training must
19 include strategies and activities in programs that lead to
20 employment and reemployment.

21 (405 ILCS 20/8.160 new)

22 Sec. 8.160. Employment. An individual with a disability
23 has the right to be employed free from discrimination,
24 pursuant to the Constitution and laws of this State.

25 (405 ILCS 20/8.165 new)

26 Sec. 8.165. Case coordination services. An individual
27 with a disability must be provided case coordination
28 services, as appropriate.

1 (405 ILCS 20/8.170 new)

2 Sec. 8.170. Due process; judicial review.

3 (a) An individual with a disability retains the rights
4 of citizenship. Any individual aggrieved by a decision of a
5 department of State government regarding services provided
6 under this Act must be given an opportunity to present
7 complaints at a due process hearing before a hearing officer
8 designated by the director of that department.

9 (b) Any individual aggrieved by a final administrative
10 decision rendered following the due-process hearing may seek
11 judicial review of that decision pursuant to the
12 Administrative Review Law. The term "administrative decision"
13 is defined as in Section 3-101 of the Code of Civil
14 Procedure. Reasonable attorney's fees and costs may be
15 awarded to the successful plaintiff in any formal
16 administrative or judicial action under this Act.

17 (c) The right to a hearing under this Section is in
18 addition to any other rights under federal, State, or local
19 laws.

20 (405 ILCS 20/8.175 new)

21 Sec. 8.175. Transitional living assistance. The
22 Department of Human Services shall lead a coordinated effort
23 with the Department of Commerce and Community Affairs to
24 further develop housing assistance programs to promote the
25 ability of individuals to move from institutions to the most
26 integrated community residence. The program shall address
27 eligibility criteria, the period a person may receive
28 assistance, the types of housing expenses to be covered, and
29 the locations of the programs. The Department of Human
30 Services shall administer the program and may seek the advice
31 of the Department of Commerce and Community Affairs for this
32 purpose.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.